

USDC SDNY
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ORDER

19 CV 10482 (VB)

On March 11, 2020, this Court issued an order to show cause and directed plaintiff to serve the order and supporting papers on defendants by personal service or overnight mail by March 18, 2020. (Doc. #24). On March 12, 2020, counsel for plaintiff filed an affidavit of service in which legal assistant Alesha B. Hopkins stated she sent by UPS (with no indication if it was by overnight mail or not) the order to show cause and supporting papers to defendants at the following address: 1108 River Road, Newburgh, NY 12550. (Doc. #25).

Likewise, plaintiff filed an affidavit of service dated March 20, 2020, stating that the Court's Order of March 19, 2020 (Doc. #27), was served on defendants at the same 1108 River Road address. (Doc. #28).

However, the two affidavits of service of the summons and complaint that plaintiff's counsel filed on January 20, 2020, noted that process could not be served at 1108 River Road, Newburgh, NY 12550 because "DEFENDANTS CURRENTLY RESIDE AT A NURSING HOME AND THE PROPERTY HAS BEEN VACANT FOR 6 MONTHS, DRIVEWAY NOT PLOWED, NO TRACKS, NO FOOTSTEPS, MAILBOX FULL OF MAIL ADDRESS TO DEFENDANTS." According to the affidavits of service, defendants were ultimately served at Sapphire Nursing at Meadow Hill, 172 Meadow Hill Road, Newburgh, NY 12550. (Docs. ## 7, 8).

It thus appears that the orders recently served by plaintiff were not served on defendants at their current address.

Accordingly, by March 25, 2020, plaintiff is ORDERED to serve on defendants (i) the order to show cause dated March 11, 2020, and supporting papers, (ii) the Court's Order dated March 19, 2020, (Doc. #27), and (iii) this Order, by overnight mail addressed to defendants at Sapphire Nursing at Meadow Hill, 172 Meadow Hill Road, Newburgh, NY 12550. By the same date, plaintiff shall file proof of service of same on the ECF docket.

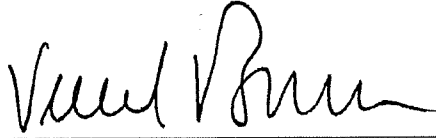
The order to show cause hearing, by telephone conference, remains scheduled for April

13, 2020, at 2:30 p.m.

Counsel is reminded that it is counsel's responsibility—not the Court's—to review the relevant paperwork in plaintiff's case and ensure that defendants receive the relevant filings in this case.

Dated: March 20, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge